

**House Report 109-476 - DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS BILL, 2007**

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**ADDITIONAL VIEWS OF DAVID OBEY AND MARTIN OLAV SABO**

Four and a half years after September 11th, America still has far too many vulnerabilities left wide open for terrorists to exploit. Last September, we also witnessed the terrible suffering and loss caused by inexcusable bureaucratic bungling in the response to a natural disaster.

The creation of the Department of Homeland Security was supposed to be the solution to these problems. Instead, it is plain to see that the Department's bureaucracy presents many high hurdles to effective terrorism prevention and disaster response. The Department has been underfunded and fractured--and far too focused on internal organization than on achieving results on our greatest security vulnerabilities. These handicaps undoubtedly contributed to the disgraceful response to Hurricane Katrina.

We are also concerned about allowing the Federal Emergency Management Agency to remain under the control of the Department of Homeland Security. History tends to repeat itself, and only fools ignore the lessons of history. President Clinton made FEMA a cabinet-level agency based on National Academy of Public Administration recommendations following the response to Hurricane Andrew in 1992. Hurricane Katrina taught similar lessons, but it appears that the federal government will not acknowledge them. Instead, this Administration and House Republicans seem intent on creating a new bureaucracy to deal with preparedness and response, when one lean, mean organization, like the Clinton-era FEMA, would do. We fear that once again, the American public will suffer the consequences.

We cannot afford not to learn from our past mistakes. We must be honest and proactive about addressing our remaining vulnerabilities. Leadership, proper funding and professional expertise are the keys to successfully meeting our nation's homeland security needs--whether in providing citizens with food and shelter after a disaster, or in shielding vulnerable targets from terrorist attack.

Our nation cannot afford to underfund homeland programs that are so critical to our health and security. Unfortunately, the Committee bill does just that. It provides \$165 million less than the Administration's request, and the President's request was inadequate to meet our security and preparedness needs.

Given the total amount of funding provided by the Republican majority to homeland security, we do not disagree with many of the funding choices made in the Committee bill. However, we believe it is irresponsible to set an arbitrary cap which leaves many homeland security priorities poorly funded.

To address this gap, Democrats offered a fiscally responsible amendment in Committee to provide an additional \$3.5 billion for critical border, port, aviation and disaster preparedness and response programs. The amendment was part of a fiscally-balanced approach that would return Congressional budgeting to the principle of 'pay-as-you-go', providing additional funding for key investments and reducing the deficit by scaling back supersized tax cuts for those making more than \$1 million per year. The amendment would have reduced their tax savings from \$114,172 to \$104,503. Unfortunately, that amendment was defeated by a 33-25 party line vote.

## **BORDER SECURITY**

A goal of the President's 2007 budget, submitted in February, was to gain operational control of 388 miles of our 5,000 mile border with Canada and Mexico. Just this week, the President sent Congress an Emergency Supplemental bill to address border security problems. He has called it a 'comprehensive proposal,' yet the Department of Homeland Security cannot tell us how many additional border miles will be controlled under this proposal.

The Democratic amendment, defeated in Committee, would have provided an additional \$2.1 billion to enhance border security. It would have provided the funding to hire to the levels in the Intelligence Reform Act, by adding 1,800 border patrol agents, 9,000 detention beds, and 800 immigration investigators above the Committee bill. It would have provided the funding to purchase about 500 additional radiation portal monitors, so that some of our land border locations do not have to wait another four years to screen traffic for radiation. It would have provided funding for the fifth planned northern border air wing and increased air patrols of our borders, because 'eyes in the sky' are important to directing resources on the ground.

How did we get here?

### *Border Patrol and Customs agents*

To improve border security, we need more border agents and surveillance equipment. Yet, from September 11, 2001 to April 2006 only 1,641 new border patrol agents were hired, which is less than a 17 percent increase in 4 1/2 years. Congress has repeatedly authorized border security improvements. The PATRIOT Act of 2001 called for the tripling of border agents and customs and immigration inspectors on our northern border. The Intelligence Reform Act, enacted in December 2004, called for 2,000

additional border agents, 800 additional immigration investigators, and 8,000 additional detention beds per year 2006 through 2010.

When Congress has provided additional border security resources, the Administration has dragged its feet in making the improvements. For example, to help meet the northern border hiring and equipment goals in the PATRIOT Act, Congress provided \$308 million in 2002 to beef up northern border security with more agents, inspectors and equipment. The Bush Administration requested only one-third of this funding.

In 2006 Congress funded only half of the 2,000 additional border patrol agents authorized in the Intelligence Reform Act of 2004. Yet, even with the President's top priority of border control, as of the end of April, 2006, the Administration has brought on board only 194 of these 1,000 additional border patrol agents. This 2007 appropriations bill continues the history of not funding the Intelligence Reform Act staffing mandates by providing for only 1,200 additional border patrol agents.

Seven times over the last four and a half years, Democrats have offered amendments that would have resulted in over 6,600 more border patrol agents, 14,000 more detention beds and 2,700 more immigration and customs agents than exist today. Every time, their efforts were rejected by the Republican majority. The Democratic amendment defeated in Committee would have funded 1,800 additional border patrol agents, meeting the Intelligence Reform Act mandates.

Congress undermines its credibility when we pass legislation dictating new homeland security mandates, but do not appropriate the necessary resources to meet them.

### *Detention beds*

A similar story must be told for detention beds. Detention beds and detention alternatives are key to our success in removing those apprehended by our border agents. Yet, the detention office at Immigration and Customs Enforcement (ICE) has had three different leaders in the three years it has been in the Department of Homeland Security. It is without a permanent leader today.

ICE has been plagued by budget shortfalls since its formation: ICE was underfunded when DHS was created, and DHS leadership at all levels has failed to manage the budget. In 2003, 2004 and 2005 ICE faced a hiring freeze and a reduced number of detention beds due to poor management. The number of detention beds dropped from 19,801 in 2002 to 18,500 in 2005.

The DHS Inspector General has estimated that close to 35,000 detention beds are needed just to detain criminal and special interest aliens. Yet, the

President requested only 27,516 detention beds and the Committee funded 25,670, 1,846 less than the President.

It is obvious that ICE lacks the resources necessary to be fully successful. Six times since September 11th, Democrats have offered amendments to increase detention bed space by 14,000, but were rejected on party-line votes. If those Democratic amendments had been successful, we would now have the number of detention beds recommended by the Inspector General. Instead, today we are close to 14,000 below that level and the Committee bill will leave us about 9,000 beds short of the IG-recommended level. The Democratic amendment rejected in Committee would have provided these 9,000 additional beds.

### *Radiation portal monitors*

A number of other border security programs are underfunded and ill-managed. This bill makes no great inroads in correcting these problems.

Many of our ports of entry lack radiation portal monitors. GAO recently found that these monitors work, but that delay in deploying these monitors were caused by DHS' lengthy review process and negotiations on the placement of the equipment. Approximately 2,400 of these monitors are needed, but less than 30 percent are in place today. The funding provided in the bill would leave 1,000 monitors left to be purchased and deployed. To correct this misguided decision, the Democratic amendment offered would have provided funding to purchase up to 500 additional radiation monitors.

## **PORT SECURITY**

In defense of the Dubai port deal, the White House was quick to remind the public that port security lies in the hands of federal border agents, the Coast Guard, port authorities and police agencies. However, the Bush Administration and this House have left our ports vulnerable by rejecting needed funding for these agencies at every opportunity.

The evidence is clear. In 2000, the Interagency Commission on Crime and Security concluded American ports were highly vulnerable to potential terrorist attacks. In 2001, the *Hart-Rudman Commission* reported that port security was underfunded and seaports were vulnerable to terrorist attacks.

With great fanfare, the President signed legislation requiring ports to assess their vulnerabilities and develop security plans. In 2002, the Coast Guard estimated that \$7 billion were needed in infrastructure improvements and operating costs to improve port security. However, the Bush Administration has never proposed funding specifically for port security grants that could be used to pay for these needs. Congress has taken the lead in providing \$910 million for the distinct port security grant program and operation safe

commerce since the 9/11 attacks, but this is only 13 percent of the Coast Guard's estimate. Six Democratic amendments since 2001, if adopted by the House, would have doubled port security funding and many necessary security improvements would already be taken care of.

This bill contains \$200 million in total for port security grants. The Democratic amendment would have doubled this amount, consistent with House passage of the Safe Port Act two weeks ago. Unfortunately it was defeated in Committee.

## **CRITICAL INFRASTRUCTURE PROTECTION, INCLUDING CHEMICAL FACILITY SECURITY**

We continue to be frustrated with the Administration's approach to protecting critical infrastructure, including transit, railroad and chemical facilities. The Administration generally leaves security decisions to these entities, without providing needed guidance from the federal government.

### **CHEMICAL SECURITY**

The fact that the federal government requires no security standards for most U.S. chemical facilities is one of our greatest security vulnerabilities. In 2003, GAO recommended the Administration develop a comprehensive national chemical security strategy. We just received this strategy from the Department on May 19, 2006. The Department's strategy concludes by calling for legislation that allows the Secretary to regulate the chemical sector. We are pleased that the Committee took an important first step in this regard by adopting Mr. Sabo's amendment to provide the Secretary of Homeland Security the authority he said that he needs to issue chemical facility security regulations. Mr. Sabo's letter laying out the key reasons why the Committee needed to include this provision on this appropriations bill is attached to these views. We strongly urge that this amendment be protected on the House floor.

We note that:

The Department of Homeland Security estimates that roughly 680, or 20 percent, of the 3,400 chemical facilities that it views as high risk adhere to no security guidelines. If attacked, 300 of these facilities could kill or injure 50,000 or more people.

At an April 27, 2005 Senate hearing, Carolyn Merritt, chair of the US Chemical Safety and Hazard Investigation Board said her agency has investigated 35 major chemical accidents and issued nearly 300 safety recommendations. She said the Safety Board has discovered 'serious gaps' that may allow for intentionally malicious acts.

## **TRANSIT SECURITY**

As we saw in London and Madrid, transit systems are terrorist targets. Yet, DHS has provided only \$416 million since 9/11 to secure them. The transit industry estimates that \$6 billion is needed for security training, radio communications systems, security cameras, and limiting access to sensitive facilities. Again, the President's 2006 budget requested no separate funding for transit security. We are pleased that \$150 million is contained in this legislation to improve transit security. The Democratic amendment defeated in Committee would have increased this amount by 67 percent, to \$250 million, so that high-risk vulnerabilities in transit systems could begin to be addressed.

## **LOCAL POLICE, FIRE AND EMERGENCY RESPONDER PREPAREDNESS**

It is widely agreed that our local police, firefighters and emergency personnel need increased funding to improve their ability to respond to terrorist acts or disasters. The 2003 Hart-Rudman report found that responders were 'Drastically Underfunded, Dangerously Unprepared,' and that 'America will fall approximately \$98 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained.'

A report by the 'Task Force on A Unified Security Budget for the United States, 2006' found that funding reductions for preparedness and response programs 'translate into dangerous vulnerabilities, given the scope and character of the terrorist threat.'

President Bush, speaking to the nation from New Orleans just eight months ago said, 'Four years after the frightening experience of September the 11th, Americans have every right to expect a more effective response in a time of emergency.' We agree with the President. However, there was nothing in the President's budget request and there is nothing in this 2007 appropriations bill that will ensure that Americans will not once again be left stranded in a crisis by the federal government.

In 2003, funding for state homeland security grants (not including fire grants or port grants that were funded elsewhere in 2003) and emergency management performance grants totaled \$3.3 billion. This legislation includes only \$2 billion for these same programs in 2007, a 39 percent reduction.

The Democratic amendment defeated in Committee would have provided a total of \$600 million to improve our communities' ability to respond to and prepare for disasters, including an additional \$150 million for state and local emergency preparedness personnel, \$50 million for additional exercises to test response plans, \$150 million for better flood maps in high risk locations, and \$150 million to improve the capabilities of our fire fighters.

The Administration and the majority in Congress are willing to defer acting on these preparedness vulnerabilities. The majority argues that only 55 percent of the funding so far provided to states and localities to improve preparedness has been spent, but this argument ignores the fact that all of these funds have been committed to specific equipment purchases. We believe that the Department bears a large share of responsibility for the delay in getting these equipment orders filled. In addition, DHS has not even distributed 2006 funding to the states yet. The Department should better manage these programs, rather than make excuses to cut their funding.

Fire grants are probably the most successful grant program in the Department of Homeland Security. Local fire departments submit grant requests, which are independently evaluated. The needs of our fire departments are great. A recent needs analysis identified that today 28 percent of firefighters per shift are not equipped with self-contained breathing apparatus, and 39,000 fire fighters lack personnel protective clothing. The fire grant program helps local fire departments deal with these and other problems.

Everyone knows that local fire and police will be on the front line in all disasters, whether a man-made or natural event or pandemic outbreak. Yet, the Administration proposes to cut fire grant funding deeply. The Bush budget would reduce funding for this program by \$355 million, or 55 percent. This bill makes up roughly two-thirds of the President's proposed reductions. At a minimum, we believe that fire grants should be fully funded at last year's level of \$649 million. The Democratic amendment rejected in Committee would have provided a total of \$690 million for fire grants.

## **AVIATION SECURITY**

We are disappointed that the Administration continues to leave aviation security vulnerabilities unaddressed despite having spent over \$28 billion on it since September 11th. The perimeters of passenger airports are not fully secured; it is not known how many of the general aviation security improvements suggested by TSA have been implemented; and most of air cargo is still not screened.

The cargo carried on passenger aircraft is not inspected like either the passengers or their baggage. In fact, TSA today does not know how much air cargo is actually screened because its security system only tracks the reviews of its cargo inspectors. We are pleased that this bill requires TSA to report air cargo inspection statistics quarterly.

The Administration is willing to give short shrift to the 9/11 Commission recommendations to screen all passengers and carry-on bags for explosives and to speed up the installation of in-line explosive detection systems. The Administration's 2007 budget does not fund any additional in-line screening

systems beyond the current eight approved airports, nor does the Committee bill. The Democratic amendment defeated in Committee would have provided \$200 million more to expand passenger and carry-on baggage explosive screening to more than the 28 airports that currently have these systems.

## **CONCLUSION**

Despite its rhetoric, the White House does not give homeland security the top priority it deserves. If the Administration thinks that the American public should be content with the fact that America has not been hit by terrorists in the last 4- 1/2 years, it is seriously mistaken. The Congress is also absurdly complacent. We should be furious over the events of the past year: a bungled response to a massive hurricane, a port takeover deal that was not properly reviewed, chemical plants open to attack and a border that is not secure. What will it take before this Administration and this Congress will be willing to take the actions needed to make our homeland secure?

